

# PATENT COOPERATION TREATY

## PCT


### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 20 MAR 2006

WIPO PCT

Applicant's or agent's file reference P4644.PC/PDW		<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416
International application No. PCT/GB2005/000641		International filing date (day/month/year) 21.02.2005		Priority date (day/month/year) 19.02.2004
International Patent Classification (IPC) or national classification and IPC H04M1/725, G06F17/30, G06F3/033, G06F3/00				
Applicant QUALCOMM CAMBRIDGE LIMITED				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau) a total of 7 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand  16.12.2005		Date of completion of this report  16.03.2006		
Name and mailing address of the international preliminary examining authority:  European Patent Office - Gitschiner Str. 103 D-10958 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840		Authorized Officer  Bowler, A  Telephone No. +49 30 25901-448		



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ON PATENTABILITY**

International application No.  
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**Box No. I Basis of the report**

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1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements**\* of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

**Description, Pages**

3-20 as originally filed  
1, 2 filed with telefax on 16.12.2005

**Claims, Numbers**

1-23 filed with telefax on 16.12.2005

**Drawings, Sheets**

1/4-4/4 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	2, 4-9,13,15-20
	No: Claims	1,3,10,11,12,14,21,22,23
Inventive step (IS)	Yes: Claims	
	No: Claims	1-23
Industrial applicability (IA)	Yes: Claims	1-23
	No: Claims	

2. Citations and explanations (Rule 70.7):

**see separate sheet**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

1. Reference is made to the following documents:

- D1: US 2002/196266 A1 (MOU MICHAEL ET AL) 26 December 2002 (2002-12-26)
- D2: US 2003/084121 A1 (DE BOOR ADAM ET AL) 1 May 2003 (2003-05-01)
- D3: US 2003/013483 A1 (AUSEMS MICHIEL R ET AL) 16 January 2003 (2003-01-16)
- D4: EP-A-1 193 590 (MICROSOFT CORPORATION) 3 April 2002 (2002-04-03)
- D5: EP-A-1 052 598 (MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD) 15 November 2000 (2000-11-15)
- D6: BICKMORE T ET AL: "WEB PAGE FILTERING AND RE-AUTHORING FOR MOBILE USERS" COMPUTER JOURNAL, OXFORD UNIVERSITY PRESS, SURREY, GB, vol. 42, no. 6, 1999, pages 534-546, XP000920338 ISSN: 0010-4620

Further, two new references have been found in response to applicant's amendment:

- D7: US 2002/0041292-A1 (YONG TAE SON) 11 APRIL 2002 (2002-04-11)
- D8: WO 02/05079-A2 (SMETHERS ) 17 JANUARY 2002 (2002-01-17)

**NOVELTY**

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1, 11 and 12 is not new in the sense of Article 33(2) PCT.

2.1 D7 discloses:

A method of displaying one or more menu items in a user interface, (abstract of the invention, par. 02,09,10 ) the method comprising the steps of:

(i) determining the number of menu items that can be displayed within the user interface; ( in this disclosure, the number of menu items that can be displayed appears to be one see figure 4; but see also page 1, col. 2 lines 1-3 "limited number" is disclosed)

(ii) determining a set of menu items, from which one or more menu items may be selected

for display within the user interface;

(see figure 4, the set of menu items is read as top menu items e.g. messages, call, options, etc. from which one or more menu items may be selected for display (submenu elements; for example outgoing, incoming, search by name, search by number, figures 3, 5; par. 29)

(iii) selecting a number of menu items for display, the number of menu items being selected in accordance with the number determined in step (i) (e.g. one) and the menu items being selected from the set of menu items selected in step (ii);  
(the user must press down the sequence number of a desired top or sub menu in order to select the menu; page 1 col. 2, lines 15-17)

(iv) displaying the number of menu items selected in step (iii) within the user interface.  
(displaying the menu item paragraph 14-15).

2.2 Therefore claim 1 is not novel. Claim 12 drawn to a device claim is treated analogously. Claim 11 defines code for performing the method of claim 1 and is treated analogously.

2.3 Claims 3 and 14 define scrolling which is explicitly disclosed in D7 paragraph 10.

2.4 Claim 10 and 21 define lists, see D7, par. 11.

2.5 Claim 22, 23 defines a wireless device. All of the devices so far cited are wireless devices.

## **INVENTIVE STEP**

3. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1, 12, 2, 13 4-9 and 15-20 does not involve an inventive step in the sense of Article 33(3) PCT.

3.1 It is noted that the disclosure of newly cited D7 is similar in concept to the scrolling animation display of D1, but that applicant amended the claim to specifically define "menu

items". Therefore, the new reference D7 shows that menu elements can be determined, selected and displayed within the user interface in accordance with the screen size of a mobile phone according to the desired goal of the invention.

In D7 it is not quite clear how many menu elements can be displayed at a time and therefore step i) is perhaps not explicitly shown. When one element is shown at a time as for example in figure 4, then step i) of claim 1 is met.

In this case the remaining problem to be solved is how to best reformat the interface screen so as to improve the display of information to the user, taking into account limited screen size.

Please note D6, which refers to webpage filtering for handheld devices. Especially section 3.12 Overview: "the first thing that the user of Digester will typically do is specify the size of the display for their device and indicate the size of their default web browser font; these are required in order to estimate the screen area requirements of the text blocks." D6 is generally directed to reformatting of webcontent. The problem of reformatting content on a small screen is best solved by the disclosure of D6. There is no disclosure in D6 of menu items. The rendering of menu items is however a simple act in comparison to the distillation of webpages. Therefore D6 would easily be combined with D7 to show that there would be no inventive step involved in applying the Digester system of D6 to menu items in the cell phone of D7.

3.2 Claim 12 is a device claim analogous to claim 1 and is treated in like manner.

Regarding dependent claims 2, 13, 4-9 and 15-20:

Claims 2,13 define updating a number of menu items, which was well known and not held to be inventive.

4-9 and 15-15-20 further define mark up language which was well-known in the art for formatting an interface device. Use of markup language is explicitly found in D6. Also, please refer to arguments in written opinion set forth regarding D2. Furthermore, D4 also disclose use of a markup language for customizing the display of a mobile device.

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(SEPARATE SHEET)**

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Combination of any of these documents would lead to the subject matter of claims 4-10 and 15- 20 without introducing an inventive step, as such was well known in interface design at the time of the invention.